

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 1-20 are pending in this application. By the present Amendment, Claims 1, 6, 9, 10, 15 and 18 are amended.

Claims 1, 3, 7, 9, 12, 16 and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,324,334 ("Morioka"). Claims 4, 6, 13, 15 and 20 were rejected under §103 over Morioka in view of the Takahasi patent. The remaining claims were rejected under §103 over Morioka in view of Takahasi, Mincy et al., and/or Bertram. Applicants respectfully submit that all claims in this application, at least in the form amended herein, are patentable over Morioka for at least the following reasons:

Patentability of Claims 1-3 and 10-12

Considering amended Claim 1, it is submitted that Morioka does not disclose or suggest a data recorder-reproducer comprising a recording medium which can be accessed at random and plural input/output processing means for processing input data including video and/or audio data and outputting and recording said input data in said recording medium, and which further includes:

"interface means for receiving bit map data externally supplied from a network or memory card separate from said recording medium on which said input data is recorded;
and

superimposing processing means for superimposing said bit map data received by said interface means upon the data output from said recording medium or said input data."

Considering first the assertion in the Office Action that Morioka discloses a floppy disk which the Examiner states reads on a memory card, Applicants submit this position is misguided in at least two respects. First, the floppy disks disclosed at col. 22, lines 59-65 are explicitly

disclosed as a possible replacement for the hard disk driving apparatus (HDD), not in addition to the HDD. Thus, the floppy disks cannot be considered a “memory card separate from said recording medium on which said input data is recorded” as presently recited in Applicants’ claims.

Secondly, the terms floppy disk and memory card have different meanings in the technical field, i.e., a floppy disk cannot be considered a memory card. See, e.g., www.techweb.com/encyclopedia which defines a floppy disk as a “reusable magnetic storage medium introduced by IBM in 1971.” The floppy disk is further defined as a diskette that is spun inside its housing. By contrast, a memory card is defined in this dictionary as either: (1) a removable module used for storing images in digital cameras, which is made up of non-volatile flash memory chips in various formats, or 2) “a removable module for laptops and palmtops that contains memory chips (RAM).” Accordingly, in light of the common usage of these terms in their technical field, it is uncontestable that a floppy disk and memory card are mutually exclusive devices.

Regarding the Applicants’ feature in the various claims of receiving bit map data externally supplied from a network and superimposing the received bit map data upon data output from the recording medium or the input data, the Examiner asserts that Morioka discloses the use of a network I/F card that can be further connected to the PCI bus 1003, wherein a file exchange (e.g., text data) can be accomplished, citing generally col. 7, line 41 to col. 8, line 44. Applicants submit, however, that there is no explicit disclosure in the cited portions of Morioka of any text data received from a network being superimposed with audio/video data that is either reproduced from a recording medium or input as input data. That a file transfer can occur between a network and Morioka’s field editing apparatus does not rise to the level of the

superimposition of data recited in Applicants' claims. As understood by Applicants' representative, only data generated by the Morioka apparatus itself is superimposed. Whatever file transfer is done is for transmitting the completed journalistic work from the field device to the network; or for exchanging emails or the like. Indeed, col. 8, lines 31-33 specifically states:

“This function allows a reporter or a journalist to record comments on the video on the video recording spot and then transmit both of these to a broadcast station.”

Thus, the Examiner's proposition that text data received from a network is superimposed with A/V data at the device is based on conjecture that is contrary to the purpose of the Morioka device.

In accordance with 35 U.S.C. 102(e), “a person shall be entitled to a patent unless – (e) the invention was **described** in an application filed for patent ...”. In the present case, Applicants' claimed invention, which recites the superimposition of bit map data with data externally supplied from a network or received from a memory network, is clearly not **described** in the cited portions of the Morioka patent, as just explained.

Accordingly, in light of the above differences, it is readily apparent that the invention recited in Applicants' Claim 1, at least in the form amended herein, is not anticipated by Morioka under §102(e).

Independent method Claim 10 is patentable for analogous reasons.

Claims 2-3 and 11-12 are patentable based at least upon their respective dependencies from Claims 1 or 10.

Patentability of Claims 7-9, 16-18 and 20

Contrary to independent Claim 7, it is submitted that Morioka does not disclose or suggest a data recorder-reproducer having plural input/output processing means, that includes:

“interface means for receiving externally supplied setting data which is used to set at least one of said plural input/output processing means; and

setting changing means for changing settings corresponding to said at least one input/output processing means based on said setting data received by said interface means.” (emphasis added)

To this end, the Office Action appears to have set forth two separate rationales as to how Morioka discloses the above features. That is, the Office Action on page 3 states, citing col. 5, lines 17-22, that:

“Morioka discloses that that the setting data (the added editing control information) required a second interface unit. This indicates that the editing control information is received externally through a second interface.”

The Office Action, however, asserts on page 5 that the setting data is described at col. 7, lines 16-50, where the examiner reads setting data as bit map data.

Applicants respectfully disagree with the Examiner's positions. Considering the second interface unit mentioned at col. 5, this portion of Morioka is the Summary of the Invention section, and is apparently referring to EXAMPLE 8 and FIG. 13 discussed in cols. 20-21. This embodiment includes a second interface section 1319. As disclosed at col. 20, lines 55 et seq.,

“... editing control information ... are added by the editing control information processing section 1318; the signal to which the editing control information is added is passed through the second interface section 1319, thereby outputting a second packet signal through a second packet signal output terminal 1320 such that the signal can be packetized easily.” (emphasis added)

Thus, it is readily apparent that setting data is not received from an external source by the second interface section 1318; rather, the editing control information is generated internally by the Morioka apparatus, i.e., by the processing section 1318, and then passed through this

interface section 1319. Accordingly, Morioka does not anticipate independent Claims 7 and 16 and the claims depending therefrom on this basis alone.

Further, col. 7, lines 16-20 is not relevant to Applicants' claimed externally provided setting data. First, "bit map data" cannot be considered "setting data" which is used to set at least one of plural input/output processing means. It is well known that bit map data merely represents data that is to be converted to an image to be displayed on a monitor, not as control-type data to set a processing means. Further, nowhere in the Morioka reference is there any mention of the bit-map data acting as setting (control) data for this purpose. If the Examiner is relying on Official Notice that bit map data is known as setting data, Applicants respectfully traverse such Official Notice and request that a reference be provided that discloses such inherency.

Moreover, the Office Action relied upon col. 19, line 37 to col. 20, line 11 and col. 20, line 45 et seq. as disclosing setting changing means, wherein the Examiner stated that the edit processing means of Morioka is a setting changing means.

To this end, it is submitted that the Examiner has not appreciated the significance of Applicants' claim language. Claim 7 claims that externally supplied setting data is received that is used to set at least one of plural input/output processing means. By contrast, the Examiner has not referred to any such reception of externally supplied setting data in the Morioka system. That is, even if Morioka's edit processing results in changing of settings, as the Examiner asserts, this does not amount to any reception of externally supplied setting data. Rather, the setting data used for editing is generated internally by Morioka's editing processing means.

Accordingly, in light of the above distinctions, it is manifest that independent Claims 7 and 16 are not anticipated by Morioka; and the claims depending therefrom are patentable over Morioka based at least upon their dependencies thereon.

Patentability of Claims 4-6, 13-15 and 19

Independent Claim 4 claims a data recorder-reproducer comprising a recording medium which can be accessed at random and plural input/output processing means for processing input data including video and/or audio data and outputting and recording said input data in said recording medium and for processing and outputting data reproduced from said recording medium, in which said plural input/output processing means access said recording medium within respectively allotted time slots to input and output said data, said data recorder-reproducer comprising:

“rewritable storage means for storing a first control program which is used for processing by at least one of said plural input/output processing means;

interface means for receiving an externally supplied second control program which is used for processing by said at least one of said plural input/output processing means; and

rewriting means for rewriting said first control program stored in said storage means into said second control program received by said interface means.”

The Office Action recognized that Morioka does not disclose interface means for receiving an externally supplied second control program which is used for processing by at least one input/output processing means, and rewriting means for rewriting a first control program into a second control program received by the interface means. To this end, the Examiner relies on

Takahisa, who discloses broadcast systems, including a system for transmitting data associated with audio or video program, etc.

It is submitted that Takahisa is not properly combinable with Morioka to arrive at Applicants' invention of Claim 4. Applicants' Claim 4 specifically relates to the rewriting of a control program used for processing by the at least one input/output processing means. By contrast, the broadcast program in Takahisa is irrelevant to a control program. Takahisa deals with program material that is displayed on a monitor. Thus, even if the teachings of Takahisa were to be incorporated into the apparatus of Morioka, the resulting combination might have the capability of re-storing program material; however, control programs used for processing by I/O means would not be rewritten. There is clearly no suggestion in Takahisa for performing this function in any way.

Accordingly, as the Takahisa reference is essentially irrelevant to Applicants' invention, and any proper combination of Takahisa with Morioka would still not result in an apparatus containing the features of Applicants' Claim 4, the proposed combination does not render Applicants' claims obvious under §103.

For analogous reasons, independent method Claim 13 is patentable over Morioka and Takahisa.

The claims depending from Claims 4 and 13 are patentable based at least upon their respective dependencies therefrom.

Conclusion

In light of the foregoing, entry of this Amendment, and the allowance of this application with Claims 1-20, are respectfully solicited.

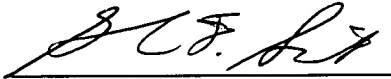
The above statements concerning the disclosures in the cited references represent the present opinion of Applicant's representative and, in the event that the Examiner disagrees, Applicant's representative respectfully requests the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

It is submitted that the claims in this application, as originally presented, are patentably distinct over the prior art cited by the examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. 112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made for clarification and to round out the scope of protection for the invention.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Glenn F. Savit
Reg. No. 37,437
(212) 588-0800